



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/540,756	03/31/2000	Laura L. Mahan	81395-157	3424

22502 7590 12/02/2004

SMART & BIGGAR
2200 - 650 WEST GEORGIA STREET
BOX 11560, VANCOUVER CENTRE
VANCOUVER, BC V6B4N8
CANADA

EXAMINER

VAUGHN, GREGORY J

ART UNIT	PAPER NUMBER
----------	--------------

2178

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/540,756

Applicant(s)

MAHAN ET AL.

Examiner

Gregory J. Vaughn

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 14-26 and 33-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 14-26 and 33-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Application History

1. This action is responsive to the Request for Continued Examination filed on 9/7/2004.
2. Applicant's amendment of 7/13/2004 has been entered.
3. Applicant has cancelled claims 9-13 and 27-32.
4. Applicant has amended claims 1, 2, 14-18, 35 and 36.
5. Claims 1-8, 14-26 and 33-36 are pending in the case. Claims 1, 14, 15, 16 and 17 are independent claims.
6. Applicant has amended claims 35 and 36 in response to the rejections cited by the examiner in the *Claim Rejections – 35 USC 112* section of the previous office action (dated 4/5/2004). Applicant's amendment has addressed the 35 USC 112 rejections previously made, and therefore, in view of this amendment, the 35 USC 112 rejections to claims 35 and 36 are withdrawn.
7. Applicant has amended claims 35 and 36 in response to the objections cited by the examiner in the *Double Patenting* section of the previous office action (dated 4/5/2004). Applicant's amendment has addressed the objections previously made, and therefore, in view of this amendment, the objections to claims 33 and 34 are withdrawn.

Art Unit: 2178

8. Rejections of claims 1-3, 6-8, 14-19, 22-26, 33 and 35 made under 35 USC 102 as being anticipated by Gill (US Publication 6,081,262) are withdrawn as necessitated by amendment.
9. Rejection of claims 4, 5 20, 21, 34 and 36 made under 35 USC 103 as being obvious over Gill (US Publication 6,081,262) in view of Fields (US Patent 6,128,655) is withdrawn as necessitated by amendment.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

"a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 902 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."

11. Claims 1-3, 6-8, 14-19, 22-26, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gill et al. US Patent 6,081,262, filed 12/4/1996, patented 6/27/2000 (hereinafter "Gill") in view of Protheroe et al. US Patent 6,414,686, filed 3/31/1999, patented 7/2/2002 (hereinafter "Protheroe").
12. **Regarding independent claim 1**, Gill discloses a presentation building method. Gill recites: *"This invention pertains to a multi-media presentation generation system that uses a multi-media authoring tool"* (column 1, lines 6-7). Gill discloses a multimedia content application. Gill recites: *"The multi-media presentation generation system comprises a menu driven multi-media presentation generation system MPG, executing on a processor P, which accesses data from any of a multitude of media sources S1-S6"* (column 5, lines 10-15).

Gill discloses a multimedia content application that accesses multimedia content. Gill recites: "*The multi-media presentation generation system MPG also comprises a software extension feature QC which functions to interconnect the page based document layout system Q with at least one source of media objects S1-S6*" (column 5, lines 41-44), where Gill defines media objects as: "*external sources including, but not limited to, data communication connections to broadcast media, such as Internet S4*" (column 6, lines 3-5).

Gill discloses a concurrent presentation window for previews in Figure 2 at reference sign MB. Gill discloses multimedia selected by the user. Gill recites: "*The author must populate each of the individual frames with the selected video, graphical, and textual material*" (column 1, lines 34-36).

Gill discloses copying multimedia content into memory. Gill recites: "*the author defines a movie object MB into which is imported a movie, which is stored in memory, and obtained from one of the sources named above*" (column 10, lines 11-13).

Gill discloses a multimedia authoring system as described above. Gill fails to disclose selecting multimedia content while it is playing. Protheroe teaches the playback of a multimedia object for selection purposes. Protheroe recites: "*A means within the display is also provided for viewing or listening to the content of an individual clip and then selecting a portion to be used in the final presentation*" (column 1, lines 64-67).

Therefore, it would have been obvious, for one of ordinary skill in the art, at the time the invention was made, to provide previewing of multimedia content as taught by Protheroe with the multimedia content authoring system of Gill in order to provide: *"computer based systems for composing and editing video and audio sequences comprising a plurality of components"* (Protheroe, column 1, lines 7-9).

13. **Regarding dependent claim 2**, Gill discloses copying the multimedia content in a transparent manner. Gill recites: *"Since the multi-media data is stored and processed by the page based document layout system Q in a transparent manner"* (column 15, lines 49-51).
14. **Regarding dependent claim 3**, Gill discloses the use of an identifier for the multimedia content. Gill recites: *"The multi-media authoring tool assigns a unique identification to each object that has multi-media information and that is located in the multi-media presentation"* (column 4, lines 12-14).
15. **Regarding dependent claim 6**, Gill discloses associating textual notes with the multimedia content. Gill recites: *"The author must populate each of the individual frames with the selected video, graphical, and textual material"* (column 1, lines 34-36).
16. **Regarding dependent claim 7**, Gill discloses the use of links. Gill recites: *"for multi-media content, with the hidden information which defines the multi-media content"* (column 7, lines 28-30) and *"The author also defines a path*

PL ... The path PL represents a motion definition for a object having some content, which object is tied to the path" (column 10, lines 21-26).

17. **Regarding dependent claim 8**, the claim contains substantially the same subject matter as claim 3, and is rejected using the same rationale.
18. **Regarding independent claim 14**, the claim is directed toward a computer-readable medium for the method of claim 1, and is rejected using the same rationale.
19. **Regarding independent claim 15**, the claim is directed toward a signal readable by a computer for the method of claim 1, and is rejected using the same rationale.
20. **Regarding independent claim 16**, the claim is directed toward an apparatus for the method of claim 1, and is rejected using the same rationale.
21. **Regarding independent claim 17**, the claim is directed toward an apparatus for the method of claim 1, and is rejected using the same rationale.
22. **Regarding dependent claim 18**, the claim is directed toward an apparatus for the method of claim 2 and is rejected using the same rationale.
23. **Regarding dependent claim 19**, the claim is directed toward an apparatus for the method of claim 3 and is rejected using the same rationale.
24. **Regarding dependent claim 22**, the claim is directed toward an apparatus for the method of claim 6 and is rejected using the same rationale.

Art Unit: 2178

25. **Regarding dependent claim 23**, the claim is directed toward an apparatus for the method of claim 7 and is rejected using the same rationale.
26. **Regarding dependent claim 24**, the claim is directed toward an apparatus for the method of claim 8 and is rejected using the same rationale.
27. **Regarding dependent claim 25**, the claim is directed toward an apparatus for the method of claim 1 and is rejected using the same rationale.
28. **Regarding dependent claim 26**, the claim is directed toward an apparatus for the method of claim 1 and is rejected using the same rationale.
29. **Regarding dependent claim 33**, Gill discloses a concurrent presentation window for previews in Figure 2 at reference sign MB. Gill discloses displaying the multimedia content. Gill recites: *"The underlying page based document layout system is a menu based system which functions to partition document pages, as defined by the author, into a plurality of objects (also termed boxes), each of which is independently editable by the author"* (column 6, lines 23-27).
30. **Regarding dependent claim 35**, the claim is directed toward an apparatus for the method of claim 33 and is rejected with the same rationale.

31. Claim 4, 5, 20, 21, 34 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gill in view of Protheroe, and in further view of Fields et al. US Patent 6,128,655, filed 7/10/1998, patented 10/3/2000 (hereinafter "*Fields*").

32. **Regarding dependent claim 4**, the claim is directed toward using a uniform resource locator (URL) as an identifier. Gill and Protheroe discloses the use of an identifier for the multimedia content as described above. Gill and Protheroe fail to disclose the use of URLs as identifiers. Fields teaches that a URL can be used as an identifier. Fields recites: "*In the Internet paradigm, a network path to a server is identified by a so-called Uniform Resource Locator (URL)*" (column 1, lines 17-19).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to use URLs as identifiers to Internet as taught by Fields with the multimedia content authoring system of Gill and Protheroe in order to provide the "*reuse content form a variety of different content providers some of which may use radically different formats and other content*" (Fields, column 2, lines 44-46).

33. **Regarding dependent claim 5**, the claim is directed toward using a uniform resource locator (URL) as an identifier while said multimedia content is in use by an application. The limitations of this claim contain substantially the same subject matter as claims 1 and 4 combined, and are rejected with the same rationale.

Art Unit: 2178

34. **Regarding dependent claim 20**, the claim is directed toward an apparatus for the method of claim 4, and is rejected using the same rationale.
35. **Regarding dependent claim 21**, the claim is directed toward an apparatus for the method of claim 5, and is rejected using the same rationale.
36. **Regarding dependent claim 34**, Gill and Protheroe disclose the use of an identifier as described above. Gill and Protheroe fail to disclose displaying the identifier. Fields teaches displaying identifier information. Fields discloses in Figure 3A, the media identifier (shown as "*http://www.ibm.com/Services/pressrel/pr.890622721.html*") displayed with the media information (shown at reference sign 203).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to combine the multimedia authoring system of Gill and Protheroe with the displayed identifiers as taught by Fields in order to allow presentation viewers the capability to view media material source identifiers.

37. **Regarding dependent claim 36**, the claim is directed toward an apparatus for the method of claim 34, and is rejected using the same rationale.

Art Unit: 2178

Response to Arguments

38. Applicant's arguments with respect to claims 1-8, 14-26 and 33-36 have been considered but are moot in view of the new grounds of rejection stated above.

Conclusion

39. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

<u>Patent/Publication</u>	<u>Date</u>	<u>Inventor</u>
• US-6,460,040	10-2002	Burns, Kevin S.
• US-6,484,189	11-2002	Gerlach, Jr. et al.
• US-6,538,665	03-2003	Crow et al.
• US-6,751,800	06-2004	Fukuda et al.
• US-6,766,357	06-2004	Fandozzi, Michael A.
• US-2002/0057287	06-2002	CROW et al.

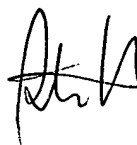
40. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.

Art Unit: 2178

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn
November 29, 2004



STEPHEN S. HONG
PRIMARY EXAMINER